

**Effective 5/10/2016**

**17-27a-403 Plan preparation.**

- (1)
  - (a) The planning commission shall provide notice, as provided in Section 17-27a-203, of its intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.
  - (b) The planning commission shall make and recommend to the legislative body a proposed general plan for:
    - (i) the unincorporated area within the county; or
    - (ii) if the planning commission is a planning commission for a mountainous planning district, the mountainous planning district.
  - (c)
    - (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.
    - (ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is recommended by the municipal planning commission and adopted by the governing body of the municipality.
    - (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous planning district, the plan for the mountainous planning district controls and precedes a municipal plan, if any, to which the property would be subject.
- (2)
  - (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
    - (i) a land use element that:
      - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
      - (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
    - (ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan;
    - (iii) an estimate of the need for the development of additional moderate income housing within the unincorporated area of the county or the mountainous planning district, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur; and
    - (iv) before May 1, 2017, a resource management plan detailing the findings, objectives, and policies required by Subsection 17-27a-401(3).
  - (b) In drafting the moderate income housing element, the planning commission:
    - (i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
      - (A) to meet the needs of people desiring to live there; and

- (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
- (ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
  - (A) rezone for densities necessary to assure the production of moderate income housing;
  - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
  - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
  - (D) consider county general fund subsidies to waive construction related fees that are otherwise generally imposed by the county;
  - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
  - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
  - (G) consider utilization of affordable housing programs administered by the Department of Workforce Services.
- (c) In drafting the land use element, the planning commission shall:
  - (i) identify and consider each agriculture protection area within the unincorporated area of the county or mountainous planning district; and
  - (ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.
- (3) The proposed general plan may include:
  - (a) an environmental element that addresses:
    - (i) to the extent not covered by the county's resource management plan, the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
    - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
  - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
  - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
    - (i) historic preservation;
    - (ii) the diminution or elimination of blight; and
    - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
  - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

- (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
- (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2); and
- (g) any other element the county considers appropriate.

Amended by Chapter 265, 2016 General Session